

REMARKS/ARGUMENTS

Claims 3-5, 7, 8, 10, 14-17, 19, 20, 23-25, 27, 28, and 30-36 are pending in this application, all of which stand finally rejected. By way of this paper, Applicants request the Examiner to enter amendments to claims 14, 32, 33 and 34.

Claims 3-5, 7, 8, 10, 14-17, 19, 20, 23-25, 27, 28, and 30-36 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Garfinkle et al. (U.S. Patent No. 6,017,157, hereinafter “Garfinkle”).

The following remarks, which are particularly addressed to independent claims 32-34, reply to the arguments made by the Examiner in the Response to Arguments section (pages 7-8) of the Final Office Action. In particular, the Examiner comments “that the features upon which applicant relies (i.e., event profile specific details) are not recited in the rejected claim(s).”

However, notwithstanding the Examiner’s comments, Garfinkle neither discloses nor teaches an event or an event profile, nor how a photographer and event organizer (i.e., an event host) separately organize the images and make them available to customers. For instance, referring to page 3, lines 15-34, Applicants’ invention describes a system where the photographer creates an initial event profile including separate logins for the event’s hosts and guests. This enables the system to provide different levels of access to the event’s hosts and guests, e.g., where the host (and the photographer), but not the guests, can edit and arrange photos and otherwise prepare them for presentation. Furthermore, besides not describing an event or an event profile, Garfinkle does not teach any kind of shared access between a photographer and a customer, and in particular where the customers themselves (e.g., event hosts and guests) have different levels of access. Consequently, since Garfinkle never addresses such issues relating to an event, the matter of creating an event profile with different access levels never comes up.

In an effort to bring this prosecution to closure, and in consideration of the Examiner’s comments, Applicants have added further definition of the event and event profile in accordance with the aforementioned observations. Referring to claims 32 and 34, the computer method has been amended to indicate that it is:

...providing access to a server having picture memory adapted to store said electronic photographic images obtained by a photographer at an event attended by one or more event host and guests that include customers of the photographer.

and the event profile and the ordering interface have been further defined in relation to the different levels of logins and access granted to the event's hosts and guests, as follows:

...an event profile with respect to said event having information relating to said event including separate logins for the event host and guests, an ordering interface and a communication link for allowing communication over a public network wherein the event host and guests are granted different levels of access to the ordering interface based upon their separate logins.

Support for these amendments to claims 32 and 34 can be found on page 3, line 15 through page 4, line 6 of the application. Independent claim 33 is similarly amended. As stated above, none of these features are to be found anywhere in Garfinkle. Claims 3-5, 7, 8, 10, 14-17, 19, 20, 23-25, 27, 28, 30, 31, 35, and 36 are dependent on independent claims 32-34, and therefore include all the features thereof. Accordingly, claims 3-5, 7, 8, 10, 14-17, 19, 20, 23-25, 27, 28, 30, 31, 35, and 36 also include these features that are not to be found anywhere in Garfinkle.

Anticipation under 35 U.S.C. § 102 requires the disclosure in a single piece of prior art of each and every limitation of a claimed invention. *Rockwell International Corp. v. United States* 47USPQ2d 1027, 1031 (Fed. Cir. 1998). The foregoing remarks indicate that each claim includes one or more claimed elements that are not to be found or suggested by the Garfinkle reference. For anticipation to be found, all of these claimed limitations must be found in Garfinkle. Since that is not the case with respect to each of the claims 3-5, 7, 8, 10, 14-17, 19, 20, 23-25, 27, 28, and 30-36, the Examiner is respectfully asked to withdraw the rejection of these claims under 35 U.S.C. § 102(e) and to consider allowance of the claims.

Recognizing that this response is after a Final Rejection, Applicant believes that any amendments to the claims in this response, which will place the case in condition for allowance, do not raise any issue of new matter and do not present new issues requiring further consideration or search. Since these amendments are now being offered after consideration of the Examiner's response to Applicant's prior arguments, and in order to attend to certain of the Examiner's suggestions, this should now constitute a sufficient showing of good and sufficient reasons as to why the amendments are now necessary and were not earlier presented. Thus, these amendments are believed to comply with the requirements in 37 CFR § 1.116 for the

entry of an amendment after a final rejection, thereby placing the case in condition for allowance or, at the minimum, in better form for consideration on appeal.

In addition, claim 14 has been amended to correct a reference to a preceding claim, claim 32 has been amended to correct an inadvertent hyphen (i.e., "and-caption"), and claim 34 has been amended to correct the inadvertent reference to "method" rather than "system" in the preamble.

In view of the foregoing, Applicants respectfully submit that the claims in their amended form are in condition for allowance and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees in connection with this communication to Eastman Kodak Company's Deposit Account No. 05-0225.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.